

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JONATHAN J. CREWS,

Petitioner,

Case No. 04-70841

v.

HONORABLE DENISE PAGE HOOD

JOHN CASON,

Respondent.

ORDER

On August 31, 2005, the Court issued an Opinion and Order and Judgment dismissing Petitioner's Writ of Habeas Corpus under 28 U.S.C. § 2254. Petitioner filed a Notice of Appeal on January 3, 2006, along with a Motion for Leave to Proceed in Forma Pauperis on appeal and a Motion for Discovery.

Before Petitioner may appeal the Court's dispositive decision denying his habeas petition, a certificate of appealability must issue. 28 U.S.C. § 2253(c)(1)(B); Fed. R. App. P. 22(b). The Court must either issue a certificate of appealability indicating which issues satisfy the required showing or provide reasons why such a certificate should not issue. 28 U.S.C. § 2253(c)(3); Fed. R. App. P. 22(b); *In re Certificates of Appealability*, 106 F.3d 1306, 1307 (6th Cir. 1997). A certificate of appealability may be issued "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The substantial showing threshold is satisfied when a petitioner demonstrates "that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). When a prisoner's habeas corpus petition is denied on procedural grounds, a certificate of appealability "should issue . . . if the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right, and that

jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Id.*

For the reasons set forth above and in the Court’s August 31, 2005 Opinion and Order dismissing the Petition, the Court finds Petitioner has made no substantial showing of a denial of a constitutional right or that reasonable jurists would find the Court’s reasoning debatable.

Accordingly,

IT IS ORDERED that Petitioner’s for a Certificate of Appealability [**Docket No. 52, filed January 3, 2006**] is DENIED.

IT IS FURTHER ORDERED that Petitioner’s Motion for Discovery [**Docket No. 50, filed January 3, 2006**] is DENIED.

/s/ DENISE PAGE HOOD
DENISE PAGE HOOD
United States District Judge

DATED: March 14, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 14, 2006, by electronic and/or ordinary mail.

s/William F. Lewis
Case Manager